

IN THE ELKHART SUPERIOR COURT NO. 2  
CAUSE NO. 20D02-0207-CC-478

FILED  
IN OPEN COURT  
APR 25 2003  
CLERK ELKHART SUPERIOR  
COURT NO. 2

“If Defendant, Michael G. Horne, fails to make any weekly payment, and if a demand notice has been sent to his last known address, and if Defendant fails to respond to the notice and cure the deficient amount fifteen (15) days after the date the demand notice is sent, then Defendant shall be declared in default and Plaintiff shall be entitled to a judgment in the total amount of all consumer claims (\$51,932.54), plus ten percent (10%) interest from entry of this judgment, plus costs of investigation and prosecution

(\$2,375.00).”

The Defendant has failed to make any weekly payment since October 26, 1998. On December 3, 1999, the State of Indiana mailed a demand letter to the Defendant’s last known address seeking payment of the arrearage. The Defendant did not pay the arrearage and has not made any further payment toward the judgment.

Plaintiff seeks to have this Court recognize and adopt as its own the Consent Judgment obtained in the United States Bankruptcy Court. Plaintiff further seeks to have this Court find the Defendant in default under the Consent Judgment. The Defendant responds by stating that his failure to pay was not willful, and therefore, should not be treated as a default under the Consent Judgment.

The Court finds that no genuine issue of material fact exist and that judgment in this matter may be entered as a matter of law. Pursuant to Indiana Code Section 34-39-4-2 and Trial Rule 44(A), the Court hereby recognizes the Consent Judgment of the United States Bankruptcy Court entered in the action entitled: In the Matter of State of Indiana, Plaintiff v. Michael George Horne, Defendant, Case No. 94-32664-RKR (Chapter 7) and Adversary Proceeding Cause No. 95-3005, as a valid judgment entitled to full faith and credit. Furthermore, the Court adopts that Judgment as its own. Finally, the Court finds the Defendant in default under the express terms of the Consent Judgment.

THEREFORE, it is hereby ordered, adjudged and decreed that Plaintiff’s Motion for Summary Judgment is granted; Plaintiff ordered to tender form of Judgment.

SO ORDERED:

Date: \_\_\_\_\_



\_\_\_\_\_  
The Honorable Stephen E. Platt  
Judge, Elkhart Superior Court No.2